

United States District Court

For the Northern District of California

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6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 No. CR 08-00222 WHA

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10 v.

11 LUKE D. BRUGNARA,

12 Defendant.

13 **ORDER RE CONDITIONS OF**
PRETRIAL RELEASE

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16 At yesterday's hearing, defendant Luke D. Brugnara raised a number of concerns with
17 the conditions of his pretrial release, and specifically, his ability to call or meet with Attorney
18 Babcock or other potential new counsel.

19 The issue of attorney privacy was previously solved by allowing Attorney Babcock to
20 meet with defendant at the federal courthouse. As to the problem of access to phones by
21 defendant to call counsel and potential new counsel, defendant is permitted to secure a cell
22 phone at his personal expense, but must allow pretrial services access to his cell phone account.
23 Defendant may *only* use his cell phone to make calls to and receive calls from Attorney Babcock
24 and potential new counsel, and pretrial services shall check the call records and/or the phone
25 itself to verify that only such calls were made and/or received. Defendant shall also maintain a
26 call log detailing the names and phone numbers of individuals with whom he connects so that
27 pretrial services can identify the calls when reviewing his cell phone records. Defendant may
28 have possession of his cell phone from 9 AM to 5 PM, and for the rest of the time, that cell

1 phone must be turned over to the halfway house's staff for safekeeping. No e-mailing. No text
2 messages. No other use of the cell phone except the above.

3 If defendant wishes to leave the halfway house to meet with potential new counsel in San
4 Francisco at their offices or at the federal courthouse, he should clear the trip first with pretrial
5 services and provide at least one business day advance notice.

6 All attempts to obtain new counsel should be done promptly and after a reasonable period
7 of time to do so, the Court may restrict or limit any such visits and calls.

8 Defendant and Attorney Babcock must meet in person with Allen Lew from pretrial
9 services to go over these requirements.

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IT IS SO ORDERED.

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Dated: September 10, 2014.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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